

#75

RESTRICTIVE COVENANT

OWNER: Continental Homes of Texas, LP, a Texas limited partnership, dba D.R. Horton-America's Builder ("Continental Homes")

ADDRESS: 12554 Riata Vista Circle, 2nd Floor, Austin TX 78727

OWNER: JPMorgan Chase Bank, N.A., Trustee of the Frederic Clarke Morse, Jr. Exempt Family Trust and Frederic C. Morse, III and Scott Morse, Independent Co-Executors of the Estate of Frederic C. Morse, Sr., (collectively "Morse")

ADDRESS: c/o Scott Morse, 2630 Exposition Blvd, Ste. 119, Austin Texas 78703 and c/o Cassidy Turley Attn: Kyle Gubernator, 613 NW Loop 410, Ste. 350, San Antonio, Texas 78216

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 191.43 acre tract of land, more or less, located in Travis County, Texas, being more particularly described by metes and bounds in Exhibit A incorporated into this restrictive covenant ("Continental Homes Property"); and,

A 29.33 acre tract of land, more or less, located in Travis County, Texas, being more particularly described by metes and bounds in Exhibit B incorporated into this restrictive covenant ("Morse Property").

WHEREAS, the Owners of the Continental Homes Property and the Morse Property and the City of Austin have agreed that the two properties should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners of the Continental Homes Property and the Morse Property, for the consideration, shall hold, sell and convey the properties, subject to the following covenants and restrictions impressed upon such properties by this restrictive covenant ("Agreement"). These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, their heirs, successors, and assigns.

1. The developer of the Morse Property shall provide access from the Morse Property to Brown Lane, as follows:
 - a) A cul-de-sac turnaround is required for the Morse Property during the subdivision stage to terminate Brown Lane in accordance with City of Austin standards.
 - b) The Morse Property shall connect to Brown Lane at the cul-de-sac by means of a commercial Type II driveway.
 - c) The developer of the Morse Property is responsible for the design, construction, and delivery of items 1.a and 1.b in accordance with the City of Austin's requirements. A building permit for the portion of the Morse Property that is

platted as a separate lot and is adjacent to the improvements described in item 1.a and 1.b may not be approved, released, or issued, until the improvements described in items 1.a are completed and the items in 1.b are approved with the Consolidated Site Development Permit.

2. The developer of the Continental Homes Property shall:
 - a) Provide a public easement ten feet in width from the Brown Lane cul-de-sac through the Continental Homes Property to a public right-of-way within the Continental Homes Property to provide connectivity for bicycle and pedestrian use to and from Brown Lane (the "Brown Lane Access"). The improvements for the Brown Lane Access shall be a trail eight feet (8') in width and, at Continental's option, may be either a crushed granite trail or hard surface trail.
 - b) The developer of the Continental Homes Property is responsible for the design, construction, and delivery of the Brown Lane Access in accordance with the City of Austin Code of Ordinances. No building permit in the described area of Exhibit C shall be issued without a connection shown in a site plan that is approved and active. No certificate of occupancy on the described area of the Exhibit C shall be granted if the Brown Lane Access improvements described in 2.a are not completed.
 - c) A direct street connection from the Continental Homes Property to Brown Lane is not required.
3. If any person or entity shall violate or attempt to violate this Agreement, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such Agreement, to prevent the person or entity from such actions, and to collect damages for such actions.
4. If any part of this Agreement is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this Agreement, and such remaining portion of this Agreement shall remain in full effect.
5. If at any time the City of Austin fails to enforce this Agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
6. This Agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property, or a portion of the Property, subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2011.

OWNERS:

Continental Homes of Texas, L.P., a Texas limited partnership, dba D.R. Horton-America's Builder

By: CHTEX of Texas, Inc.,
(a Delaware corporation)
its general partner

By: 
Richard N. Maier,
Vice President

Estate of Frederic C. Morse, Sr.

By: _____
Fred C. Morse, III,
Independent Co-Executor

By: _____
Scott Morse,
Independent Co-Executor

**JPMorgan Chase Bank, N.A. Trustee of the
Frederic Clarke Morse, Jr. Exempt Family Trust**

By: _____
Matthew A. Thiesen,
Vice President

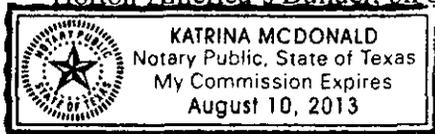
APPROVED AS TO FORM:

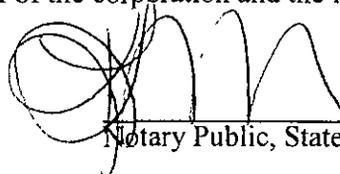
Chad Shaw
Assistant City Attorney
City of Austin

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Paralegal

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 14th day of December, 2011, by Richard N. Maier, Vice President of CHTEX of Texas, Inc., a Delaware corporation, general partner of Continental Homes of Texas, LP, a Texas limited partnership, dba D.R. Horton-America's Builder, on behalf of the corporation and the limited partnership.





Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2011, by Matthew A. Thiesen, Asset Management, of JPMorgan Chase Bank, N.A., Trustee of the Frederic Clarke Morse, Jr. Exempt Family Trust.

Notary Public, State of Texas

EXECUTED this the 14th day of DECEMBER 2011.

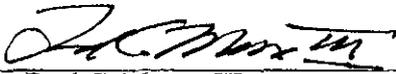
OWNERS:

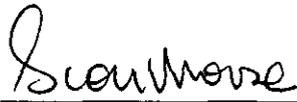
Continental Homes of Texas, L.P., a Texas limited partnership, dba D.R. Horton-America's Builder

By: CHTEX of Texas, Inc.,
(a Delaware corporation)
its general partner

By: _____
Richard N. Maier,
Vice President

Estate of Frederic C. Morse, Sr.

By: 
Fred C. Morse, III,
Independent Co-Executor

By: 
Scott Morse,
Independent Co-Executor

**JPMorgan Chase Bank, N.A. Trustee of the
Frederic Clarke Morse, Jr. Exempt Family Trust**

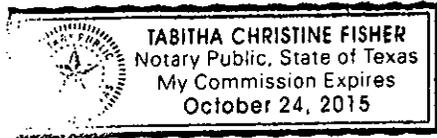
By: _____
Matthew A. Thiesen,
Vice President

APPROVED AS TO FORM:

Chad Shaw
Assistant City Attorney
City of Austin

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 14th day of DECEMBER, 2011, by Fred C. Morse, III, Independent Co-Executor of the Estate of Frederic C. Morse, Sr.

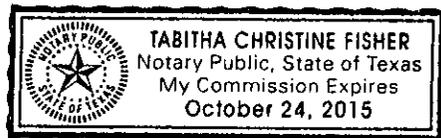




Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 14th day of December, 2011, by Scott. Morse, Independent Co-Executor of the Estate of Frederic C. Morse, Sr.





Notary Public, State of Texas

EXECUTED this the 14 day of December, 2011.

OWNERS:

Continental Homes of Texas, L.P., a Texas limited partnership, dba D.R. Horton-America's Builder

By: CHTEX of Texas, Inc.,
(a Delaware corporation)
its general partner

By: _____
Richard N. Maier,
Vice President

Estate of Frederic C. Morse, Sr.

By: _____
Fred C. Morse, III,
Independent Co-Executor

By: _____
Scott Morse,
Independent Co-Executor

**JPMorgan Chase Bank, N.A. Trustee of the
Frederic Clarke Morse, Jr. Exempt Family Trust**

By: Matthew A. Thiesen
Matthew A. Thiesen, Thiesen
Vice President 

APPROVED AS TO FORM:

Chad Shaw
Assistant City Attorney
City of Austin

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767-1088
Attention: Diana Minter, Paralegal

THE STATE OF TEXAS §
COUNTY OF TRAVIS §

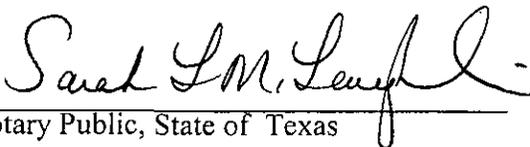
This instrument was acknowledged before me on this the ____ day of _____, 2011, by Richard N. Maier, Vice President of CHTEX of Texas, Inc., a Delaware corporation, general partner of Continental Homes of Texas, LP, a Texas limited partnership, dba D.R. Horton-America's Builder, on behalf of the corporation and the limited partnership.

Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF ~~TRAVIS~~ §
 Dallas

This instrument was acknowledged before me on this the 14 day of December, 2011, by Matthew A. ~~Theisen~~, Asset Management, of JPMorgan Chase Bank, N.A., Trustee of the Frederic Clarke Morse, Jr. Exempt Family Trust.

 Theisen



Notary Public, State of Texas



Exhibit A

191.43 Acres – Description for Zoning

A PARCEL OF LAND IN TRAVIS COUNTY, TEXAS, BEING A PART OF THE JAMES O. RICE SURVEY No. 31, BEING ALL OF THAT 53.18 ACRE TRACT CONVEYED TO CONTINENTAL HOMES OF TEXAS, L.P., BY DEED RECORDED IN DOCUMENT No. 2008131886 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A PART OF THAT 54.57 ACRE TRACT CONVEYED TO CONTINENTAL HOMES OF TEXAS, L.P., BY DEED RECORDED IN DOCUMENT No. 2007176864 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A PART OF THAT 11.11 ACRE TRACT CONVEYED TO CONTINENTAL HOMES OF TEXAS, L.P., BY THE SAID DEED RECORDED IN DOCUMENT No. 2007176864; ALL OF THAT 4.61 ACRE TRACT CONVEYED TO CONTINENTAL HOMES OF TEXAS, L.P., BY DEED RECORDED IN DOCUMENT No. 2008131885 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A PART OF THAT 10.81 ACRE TRACT CONVEYED TO CONTINENTAL HOMES OF TEXAS, L.P., BY DEED RECORDED IN DOCUMENT No. 2008131886 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; ALL OF THAT 18.331 ACRE TRACT CONVEYED TO CONTINENTAL HOMES OF TEXAS, L.P., BY DEED RECORDED IN DOCUMENT No. 2001218067 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A PART OF THAT 56.33 ACRE TRACT CONVEYED TO CONTINENTAL HOMES OF TEXAS, L.P., BY DEED RECORDED IN DOCUMENT No. 2006037361 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A PART OF THAT 3.15 ACRE TRACT CONVEYED TO CONTINENTAL HOMES OF TEXAS, L.P., BY DEED RECORDED IN DOCUMENT No. 2006037363 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; AND A PART OF THAT 3.68 ACRE TRACT CONVEYED TO CONTINENTAL HOMES OF TEXAS, L.P., BY THE SAID DEED RECORDED IN DOCUMENT No. 2006037363;

COMMENCE at a 1/2" iron rod found in the South Line of that 160.0 Acre Tract conveyed to Fred C. Morse by deed recorded in Volume 765, Page 684, Deed Records of Travis County, Texas, at the Northwest Corner of a tract of land described as 3.203 acres in a deed to Robert Rose, recorded in Volume 11583, Page 700, of the Real Property Records of Travis County, Texas, same being the most Southerly Corner of that 61,546 square foot tract of land conveyed to Travis County by deed recorded in Volume 10978, Page 776 of the Real Property Records of Travis County, Texas;

THENCE along the East Line of Dessau Road as described in Volume 10978, Page 776, the following five courses:

1. Northerly, 425.54 feet along the arc of a curve to the left, said curve having a radius of 7699.43 feet, a central angle of 3°10'00", and a chord bearing N.30°46'39"E., 425.48 feet to a 1/2" iron rod set;
2. N.29°11'39"E., 651.20 feet to a 1/2" Iron rod set;
3. Northerly 230.36 feet along the arc of a curve to the right, said curve having a radius of 7579.43 feet, a central angle of 1°44'29", and a chord bearing N.30°03'54"E., 230.35 feet to a 1/2" iron rod set;
4. N.30°56'08"E., 894.58 feet to a 1/2" iron rod set;
5. Northerly, 192.58 feet along the arc of a curve to the left, said curve having a radius of 754.49 feet, a central angle of 14°37'28"E., and a chord bearing N.23°37'24"E., 192.06 feet;

THENCE, N.19°53'09"E., along the East Line of Dessau Road, 108.79 feet a 1/2" iron rod set and the POINT OF BEGINNING;

191.43 Acres – Description for Zoning

THENCE continue N.19°53'09"E. along the East right of way line of Dessau Road and a west line of the said 53.18 Acre Tract, 107.50 feet to the South Line of a tract of land as used, occupied and fenced upon the ground described as 12.49 acres in a deed to Tim and Cindy Pinson recorded in Document Number 1999159414 of the Official Public Records of Travis County, Texas;

THENCE, with a north line of said 53.18 Acre Tract and the South Line of said 12.49 Acre Tract and along or near an old barbed wire fence, the following five courses:

1. S.60°08'10"E., 118.12 feet to a 1/2" iron rod set;
2. S.60°21'45"E., 113.41 feet to a 60d nail set in a stump;
3. S.58°51'02"E., 183.12 feet to a nail found in a 17" elm;
4. S.60°04'16"E., 64.60 feet to a nail found in a 9" elm;
5. S.61°05'57"E., 168.66 feet to a 1/2" iron rod found at the east face of a corner fence post at an interior corner of the 53.18 Acre Tract and at the Southeast Corner of 12.49 Acre Tract;

THENCE, with the West Line of said 53.18 Acre Tract, as it is fenced, used, and occupied upon the ground, and the East Line of said 12.49 Acre Tract, along or near an old barbed wire fence, the following four courses:

1. N.23°15'40"E., 131.53 feet to a fence post;
2. N.20°14'22"E., 119.23 feet to a fence post;
3. N.15°39'05"E., 320.03 feet to a fence post;
4. N.15°07'33"E., 88.72 feet to a point in the centerline of a branch of Walnut Creek (also called Polecat Hollow or Braker Branch), same also being the Northeast Corner of said 12.49 Acre Tract and same being in the South Line of a tract of land described as 5.54 acres in a deed to Tim and Cindy Pinson of record in Document Number 1999091439 of the Official Public Records of Travis County, Texas;

THENCE, with the West Line of the 53.18 Acre Tract, same also being the East Line of said Document Number 1999091439 and continuing with the East Line of a tract of land described as 9.818 acres in a deed to Mark and Vidette Corry, recorded in Volume 13330, Page 324, of the Real Property Records of Travis County, Texas, and also continuing with the East Line of Lot 21, Block E, Woodcliff Amended, a subdivision recorded in Book 76, Page 272, Plat Records of Travis County, Texas, all being with the centerline of a branch of Walnut Creek (also called Polecat Hollow or Braker Branch), the following 14 courses:

1. S.20°44'06"E., 116.30 feet to a point;
2. N.79°27'19"E., 130.58 feet to a point;
3. N.21°29'19"E., 67.47 feet to a point;
4. N.27°02'41"W., 99.39 feet to a point;
5. N.17°23'19"E., 99.92 feet to a point;
6. S.78°54'41"E., 85.08 feet to a point;
7. N.63°42'19"E., 78.89 feet to a point;
8. S.78°33'41"E., 168.19 feet to a point;
9. N.60°36'19"E., 86.89 feet to a point;
10. N.34°15'19"E., 89.94 feet to a point;
11. N.00°26'19"E., 194.69 feet to a point;
12. N09°32'41"W., 97.59 feet to a point;
13. N.83°32'19"E., 57.39 feet to a point;

191.43 Acres – Description for Zoning

14. S.70°40'00"E., 102.31 feet to the most Westerly Corner of that 6.305 Acre Tract conveyed to J. C. Overcash by deed recorded in Volume 4083, Page 2078 of the Deed Records of Travis County, Texas;

THENCE S.51°02'05"E., along a North Line of the 53.18 Acre Tract and the South Line of the said 6.305 Acre Tract, 925.99 feet to a 1/2 inch iron rod found at a corner fence post at the Southeast Corner of said 6.305 acre tract and same being in a West Line of said 53.18 Acre Tract;

THENCE, with the said West Line of said 53.18 Acre Tract and the East Line of said 6.305 Acre Tract, and along or near an old barbed wire fence, the following four courses:

1. N.28°44'08"E., 118.97 feet to a fence post;
2. N.28°41'08"E., 191.36 feet to a fence post;
3. N.28°27'08"E., 178.49 feet to a fence post;
4. N.29°30'08"E., 29.98 feet to the centerline of Walnut Creek, at the northerly northwest corner of said 53.18 Acre Tract, the Northeast Corner of said 6.305 Acre Tract, the same being in a the South Line of a tract of land described as 24.937 acres in a deed to The Heritage Society of Austin recorded in Volume 11771, Page 165, of the Real Property Records of Travis County, Texas;

THENCE, with the North Line of the said 53.18 Acre Tract, same also being a portion of the South Line of said 24.937 Acre Tract and continuing with the South Line of a tract of land described as 66.0 acres in a deed to Heritage Society of Austin, Inc., recorded in Volume 1674, Page 195, Deed Records of Travis County, Texas, all being with the centerline of Walnut Creek, the following seven courses:

1. S.40°01'27"E., 93.68 feet to a point;
2. S.27°49'27"E., 61.63 feet to a point;
3. S.53°19'27"E., 52.47 feet to a point;
4. S.65°30'27"E., 97.77 feet to a point;
5. S.57°36'27"E., 170.49 feet to a point;
6. S.68°41'27"E., 99.93 feet to a point;
7. S.79°54'34"E., 245.01 feet to the Northeast Corner of said 53.18 Acre Tract and an interior corner of said 66.0 Acre Tract;

THENCE, with the East Line of said 53.18 Acre Tract and the West Line of said 66.0 Acre Tract, along or near an old barbed fence and west of, along or near a barbed and woven wire fence, the following four courses:

1. S.25°34'16"W., 41.23 feet to a 3/4" iron rod found;
2. S.28°00'10"W., 96.75 feet to a 3/4" inch iron rod in concrete found;
3. S.31°30'59"W., 682.04 feet to a 3/4" iron rod found;
4. S.31°54'20"W., at 111.59 feet pass a 1/2" iron rod found at the Northeast Corner of that 54.57 Acre Tract conveyed to Continental Homes of Texas by deed recorded in Document No. 2007176864 of the Official Public Records of Travis County, Texas, in all a distance of 200.14 feet to a 3/4" iron rod found

THENCE along the East Line of the 54.57 Acre Tract and the West Line of the 66.0 Acre Tract the following two courses:

191.43 Acres – Description for Zoning

1. S.31°10'35"W., 304.36 feet to a 1/2" iron rod in concrete
2. S.17°23'04"W., at 129.63 feet pass the easterly Northeast Corner of the said 4.61 Acre Tract, in all a distance of 147.37 feet to a nail found in a twin 10" elm tree.

THENCE along the East Line of the said 4.61 Acre Tract and the West Line of the said 66.0 Acre Tract the following three courses:

1. S.13°16'50"E. a distance of 296.97 feet to a 3/4" iron rod found;
2. S.13°01'59"E. a distance of 195.92 feet to a 60d nail found in the root of a Cedar;
3. S.13°18'57"E. a distance of 145.35 feet to a 3/4" iron rod in concrete found at the south corner of said 66.0 acre tract, same being the northerly Southwest Corner of a tract of land described as 40.768 acres in a deed to the City of Austin, recorded in Volume 7679, Page 269, Deed Records of Travis County, Texas;

THENCE along the East Line of the 4.61 Acre Tract and the West Line of said 40.768 Acre Tract, the following three courses:

1. S.13°32'38"E., 129.73 feet to a 60d nail found;
2. S.09°27'21"E., 71.10 feet to a 3/4" iron rod in concrete found;
3. S.15°07'21"E., 126.94 feet to a 3/4" iron rod in concrete found at the southerly Southwest Corner of said 40.768 acre tract, same being the Northwest Corner of a cemetery tract;

THENCE S.14°36'01"E. along the East Line of said 4.61 Acre Tract and the West Line of the said cemetery tract, at 69.06 feet pass the Southeast Corner of the 4.61 Acre Tract and continue along the East Line of the said 56.33 Acre Tract, the same being the West Line of the Cemetery Tract, in all 220.31 feet to a 3/4" iron rod found;

THENCE along the East Line of the said 56.33 Acre Tract and the West Line of the Cemetery Tract, the following two courses:

1. S.12°58'52"E., 158.09 feet to a 3/4" iron rod found;
2. S.59°25'18"E., 22.21 feet to a 3/4" iron rod found at the Southwest Corner of the said Cemetery Tract, the same being the Northwest Corner of a tract of land described as 67.555 acres in a deed to the City of Austin, recorded in Document Number 2000001160 of the Official Public Records of Travis county, Texas;

Thence along the East Line of the said 56.33 Acre Tract and the West Line of the said 67.555 Acre Tract the following four courses:

1. S.11°00'34"E., 186.47 feet to a 3/4" iron rod found;
2. S.00°28'13"W., 497.13 feet to a 3/4" iron rod found;
3. S.32°29'43"W., 422.05 feet to a 3/4" iron rod found;
4. S.14°21'02"W., 100.10 feet to a 3/4" iron rod found;

Thence N.75°05'55"W., along the South Line of the said 56.33 Acre Tract, 39.22 feet to a 3/4" iron rod found for the northeast corner of that 18.331 acre tract of land conveyed to Continental Homes of Texas, L. P. By deed recorded in Document Number 2001218067 of the Official Public Records of Travis County, Texas;

Thence S.31°43'06"W., 355.15 feet along the East Line of said 18.331 Acre Tract, the same being the West Line of a tract of land described as 1.03 acres in the said deed to the City of

191.43 Acres – Description for Zoning

Austin recorded in Document Number 2001218066 of the Official Public Records of Travis County, Texas to a 1/2" iron rod set at the easterly Northeast Corner of that 21.733 Acre Tract conveyed to the City of Austin, Texas, by the said deed recorded in Document Number 2001218066;

THENCE along the common line of the 18.331 Acre Tract and the 21.733 Acre Tract the following six courses:

1. S.68°29'06"W., 258.76 feet to a 1/2" iron rod set;
2. S.14°23'30"W., 87.59 feet to a 1/2" iron rod set;
3. S.42°31'26"W., 132.51 feet to a 1/2" iron rod set;
4. S.75°23'51"W., 119.65 feet to a 1/2" iron rod set;
5. N.60°20'29"W., 231.25 feet to a 1/2" iron rod set;
6. N.18°14'03"W., 133.37 feet to a 1/2" iron rod set in a line 20.00 feet east of and parallel with the East Line of that sanitary sewer line easement to the City of Austin recorded in Volume 7161, Page 1954 of the Deed Records of Travis County, Texas;

THENCE along said parallel line and continuing along the common line of the 18.331 Acre Tract and the 21.733 Acre Tract the following two courses:

1. N.23°52'22"E., 243.29 feet to a 1/2" iron rod set;
2. N.23°43'13"E., 344.64 feet to a 1/2" iron rod set;

Thence N.66°16'47"W., along said common line, 40.00 feet to the West Line of the said sanitary sewer line easement and to the center of a creek;

Thence along the center of said creek and continuing along the common line of the 18.331 Acre Tract and 21.733 Acre Tract the following 41 courses:

1. N.89°23'16"W., 28.30 feet;
2. S.74°11'40"W., 19.95 feet;
3. S.57°12'34"W., 12.50 feet;
4. N.79°59'18"W., 28.38 feet;
5. N.52°28'39"W., 19.40 feet;
6. N.13°03'36"E., 19.73 feet;
7. N.81°52'20"W., 41.99 feet;
8. S.49°05'04"W., 21.00 feet;
9. N.78°20'11"W., 20.30 feet;
10. N.45°51'04"W., 33.59 feet;
11. N.30°02'23"W., 25.61 feet;
12. N.22°30'53"W., 39.86 feet;
13. N.32°05'12"W., 34.57 feet;
14. N.68°00'32"W., 31.50 feet;
15. N.12°59'03"E., 20.38 feet;
16. N.45°58'12"W., 34.57 feet;
17. S.58°09'07"W., 42.13 feet;
18. S.06°01'13"W., 21.36 feet;
19. S.56°30'24"W., 33.49 feet;
20. N.84°30'30"W., 35.53 feet;
21. S.23°17'52"W., 23.98 feet;
22. S.78°54'12"W., 100.62 feet;

191.43 Acres – Description for Zoning

23. N.35°14'19"W., 56.65 feet;
24. N.02°40'53"W., 37.73 feet;
25. N.17°51'49"E., 21.65 feet;
26. N.85°25'00"W., 52.83 feet;
27. N.70°46'22"W., 81.18 feet;
28. N.54°54'52"W., 45.75 feet;
29. N.65°33'36"W., 55.27 feet;
30. N.54°30'57"W., 30.34 feet;
31. S.63°40'33"W., 63.69 feet;
32. N.28°46'14"W., 47.63 feet;
33. N.11°41'15"W., 29.72 feet;
34. N.16°49'49"W., 49.55 feet;
35. N.53°27'50"W., 33.28 feet;
36. N.65°37'20"W., 22.64 feet;
37. S.55°30'23"W., 17.58 feet;
38. N.53°18'49"W., 16.89 feet;
39. N.15°49'15"W., 112.47 feet;
40. N.09°47'44"W., 31.57 feet;
41. S.87°06'32"W., 43.50 feet to the East Line of the said 11.11 Acre Tract;

THENCE S.30°52'13"W., along the West Line of the said 12.733 Acre Tract and the East Line of the 11.11 Acre Tract, 721.29 feet to a 1/2" iron rod found at the Southwest Corner of the 21.733 Acre Tract and the Southeast Corner of the 11.11 Acre Tract;

THENCE N.60°15'52"W., along the South Line of the 11.11 Acre Tract, the same being the North Line of a tract of land described as 4.4188 acres in a deed to Harrell and Harrell of record in Volume 8844, Page 352, Real Property Records of Travis County, Texas, 111.29 feet to a 1/2" iron rod found at the most northerly Northwest Corner of said 4.4188 acre tract, same being the Northeast Corner of the Bobby R. Wagner Addition, a subdivision of record in Book 84, Page 3D, Plat Records of Travis County, Texas;

THENCE N.60°17'51"W., along the South Line of the 11.11 Acre Tract and the North Line of the said plat of Bobby R. Wagner Addition, 141.36 feet to a 1/2" iron rod found;

THENCE along the southerly line of the said 11.11 Acre Tract the following nine courses:

1. N.30°31'12"E., 115.54 feet to a 1/2" iron rod found at a point of curvature of a curve to the right;
2. Northeasterly, along the arc of said curve to the right a distance of 19.68 feet, said curve having a radius of 25.00 feet, a central angle of 45°05'57", and a chord bearing N.53°04'11"E., 19.17 feet) to a 1/2" iron rod found at a point of reverse curvature of a curve to the left;
3. Northeasterly, along the arc of said curve a distance of 88.84 feet, said curve having a radius of 60.00 feet, a central angle of 84°50'02", and a chord bearing N.33°12'08"E., 80.94 feet a 1/2" iron rod found;
4. N.09°12'52"W., 229.17 feet a 1/2" iron rod found;
5. N.80°47'08"E., 293.08 feet a 1/2" iron rod found;
6. N.09°12'52"W., 705.21 feet a 1/2" iron rod found;
7. N.85°31'40"W., 341.27 feet to a 1/2" iron rod found at a point of curvature of a curve to the left;
8. Westerly, along the arc of said curve to the left a distance of 33.94 feet, said curve having

191.43 Acres – Description for Zoning

a radius of 142.00 feet, a central angle of 13°41'34", and a chord bearing S.87°37'33"W., 33.86 feet a 1/2" iron rod found;

9. S.80°46'46"W. a distance of 347.59 feet a 1/2" iron rod found;

THENCE across the said 11.11 Acre Tract the following three courses:

1. S.87°59'11"W., 6.55 feet; to a point on a non-tangent curve to the right
2. Westerly along the arc of said curve, a distance of 309.43 feet, said curve having a radius of 480.62 feet, a central angle of 36°53'17" and a chord bearing N.78°19'45"W., 304.12 feet;
3. N.59°53'06"W., at 106.70 feet at pass the West Line of the 11.11 Acre Tract, in all 165.69 feet;

THENCE across the said 3.15 Acre Tract, the 56.33 Acre Tract and the 3.68 Acre Tract the following four courses:

1. N.29°15'58"E., 168.02 feet; to a point on a non-tangent curve to the left;
2. Northerly along the arc of said curve, 89.64 feet, said curve having a radius of 209.91 feet, a central angle of 24°28'04" and a chord bearing N.16°19'27"E., 88.96 feet, to a point on a non-tangent curve to the right
3. Easterly along the arc of said curve, 111.85 feet, said curve having a radius of 355.11 feet, a central angle of 18°02'46" and a chord bearing N.76°34'06"E., 111.39 feet;
4. N.08°38'00"W., 50.00 feet to the East Line of the said 3.68 Acre Tract;

THENCE N.12°43'44"E., along said East Line, 8.40 feet; to a 1/2" iron rod set at a point on a non-tangent curve to the left in the northerly line of the said 54.57 Acre Tract:

THENCE along the North Line of the 54.57 Acre Tract the following four courses:

1. Easterly along the arc of said curve, 65.21 feet, said curve having a radius of 272.00 feet, a central angle of 13°44'13" and a chord bearing N.87°30'33"E., 65.06 feet a 1/2" iron rod set;
2. N.80°38'27"E., 530.67 feet; to a 1/2" iron rod set at a point of curvature of a curve to the right;
3. Easterly, along the arc of said curve to the right a distance of 168.37 feet, said curve having a radius of 528.00 feet, a central angle of 18°16'16", and a chord bearing N.89°46'35"E., 167.66 feet to a 1/2" iron rod set;
4. S.81°05'17"E., 107.55 feet to a 1/2" iron rod set in the West Line of the said 53.18 Acre Tract;

THENCE along said West Line the following four courses:

1. N.08°54'43"E., 215.63 feet; to a 1/2" iron rod set on a non-tangent curve to the right;
2. Northerly along the arc of said curve, a distance of 358.59 feet said curve having a radius of 152.00 feet, a central angle of 135°10'07" and a chord bearing N.12°24'59"E., 281.03 feet, to a 1/2" iron rod set;
3. N.00°46'15"E. a distance of 297.06 feet to a 1/2" iron rod set;
4. N.30°19'33"E., at a distance of 219.53 feet pass the Northwest Corner of the said 68.574 Acre Tract and continue across the 182.036 Acre Tract, in all a total distance of 251.33 feet to a 1/2" iron rod set;

191.43 Acres – Description for Zoning

THENCE N.59°05'58"W., along a South Line of the said 53.18 Acre Tract, 760.43 feet to the said Point of Beginning.

Containing 208.28 acres, more or less.

LESS AND NOT INCLUDING THE FOLLOWING:

A PARCEL OF LAND IN TRAVIS COUNTY, TEXAS, BEING A PART OF THE JAMES O. RICE SURVEY No. 31, BEING A PART OF THAT 54.57 ACRE TRACT CONVEYED TO CONTINENTAL HOMES OF TEXAS, L.P., BY DEED RECORDED IN DOCUMENT No. 2007176864 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A PART OF THAT 10.81 ACRE TRACT CONVEYED TO CONTINENTAL HOMES OF TEXAS, L.P., BY DEED RECORDED IN DOCUMENT No. 2008131886 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; A PART OF THAT 56.33 ACRE TRACT CONVEYED TO CONTINENTAL HOMES OF TEXAS, L.P., BY DEED RECORDED IN DOCUMENT No. 2006037361 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;

COMMENCE at a 1/2" iron rod found in the South Line of that 160.0 Acre Tract conveyed to Fred C. Morse by deed recorded in Volume 765, Page 684; Deed Records of Travis County, Texas, at the Northwest Corner of a tract of land described as 3.203 acres in a deed to Robert Rose, recorded in Volume 11583, Page 700, of the Real Property Records of Travis County, Texas, same being the most Southerly Corner of that 61,546 square foot tract of land conveyed to Travis County by deed recorded in Volume 10978, Page 776 of the Real Property Records of Travis County, Texas;

THENCE along the East Line of Dessau Road as described in Volume 10978, Page 776, the following five courses:

1. Northerly, 425.54 feet along the arc of a curve to the left, said curve having a radius of 7699.43 feet, a central angle of 3°10'00", and a chord bearing N.30°46'39"E., 425.48 feet to a 1/2" iron rod set;
2. N.29°11'39"E., 651.20 feet to a 1/2" iron rod set;
3. Northerly, 230.36 feet along the arc of a curve to the right, said curve having a radius of 7579.43 feet, a central angle of 1°44'29", and a chord bearing N.30°03'54"E., 230.35 feet to a 1/2" iron rod set;
4. N.30°56'08"E., 50.39 feet to a cross cut found at the Northwest Corner of that 3.68 Acre Tract conveyed to Continental Homes of Texas, L. P., by deed recorded in Document No. 2006037363 of the Official Public Records of Travis County, Texas

THENCE S.61°28'42"E., along the North Line of the said 3.68 Acre Tract, 292.28 feet to a 1/2" iron rod set at the Northeast Corner of said 3.68 Acre Tract;

THENCE S.78°00'34"E., 1809.31 feet to the Point of Beginning;

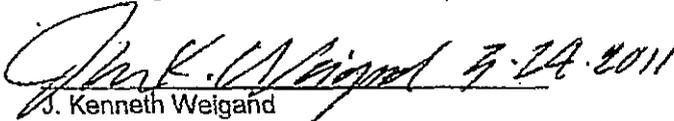
THENCE N.01°26'53"W. at 59.00 feet pass the North Line of the said 56.33 Acre Tract and the South Line of the said 54.57 Acre Tract, in all 1069.35 feet to a point of curvature of a curve to the right;

THENCE across the said 54.57 Acre Tract the following six courses:

191.43 Acres – Description for Zoning

1. Northeasterly, along the arc of said curve to the right, 180.65 feet, said curve having a radius of 150.00 feet, a central angle of 69°00'10", and a chord bearing N.33°03'12"E., 169.93 feet;
2. N.67°33'17"E., 436.41 feet;
3. S.22°26'43"E., 178.05 feet to a point of curvature of a curve to the right;
4. Southerly, along the arc of said curve to the right a distance of 69.08 feet, said curve having a radius of 188.50 feet, a central angle of 20°59'50", and a chord bearing S.11°56'48"E., 68.69 feet;
5. S.01°26'53"E., 1132.00 feet;
6. S.88°33'07"W., at 28.00 feet pass the common line of the 54.57 Acre Tract and the East Line of the 10.81 Acre Tract, in all 580.00 feet to the said Point of Beginning.

Containing 16.85 acres, more or less.

 3-24-2011

J. Kenneth Weigand
Registered Professional Land Surveyor No. 5741
State of Texas



RJ Surveying & Associates, Inc.
1212 East Braker Lane
Austin, Texas 78753

This document was prepared under 22TAC 663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

Exhibit B

29.33 acres

THAT PART OF THE JAMES O. RICE SURVEY No. 31 IN TRAVIS COUNTY, TEXAS, BEING A PART OF THAT CERTAIN TRACT DESCRIBED AS 160.0 ACRES IN A DEED TO FRED C. MORSE, OF RECORD IN VOLUME 765, PAGE 685, DEED RECORDS OF TRAVIS COUNTY, TEXAS, BEING ALSO A PART OF THAT CERTAIN TRACT DESCRIBED AS 252.33 ACRES IN A DEED TO TEXAS COMMERCE BANK-AUSTIN, INDEPENDENT EXECUTOR OF THE ESTATE OF ESTELLE MORSE RECORDED IN VOLUME 11105, PAGE 743 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND SAVE AND EXCEPT A TRACT OF 61,546 SQUARE FEET DESCRIBED IN A DEED TO TRAVIS COUNTY, TEXAS, RECORDED IN VOLUME 10978, PAGE 776 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN at a 1/2" iron rod found in the South Line of said 160.0 Acre Tract, same also being the Northwest Corner of a tract of land described as 3.203 acres in a deed to Robert Rose, of record in Volume 11583, Page 700, of the Real Property Records of Travis County, Texas, same being in the East Right-of-way Line of Dessau Road and being the most southerly corner of the said 61,546 square foot tract of land conveyed to Travis County;

THENCE crossing the said 160.0 Acre Tract and along the East Right of way Line of Dessau Road as described in the said Deed recorded in Volume 10978, Page 776, the following two courses:

1. 425.54 feet along the arc of a curve to the left, said curve having a radius of 7699.43 feet, a central angle of $3^{\circ}10'00''$, and a chord bearing $N.30^{\circ}46'39''E.$, 425.48 feet to an iron rod set;
2. $N.29^{\circ}11'39''E.$ a distance of 45.36 feet to a 1/2" iron rod set at the Southwest Corner of that 3.15 Acre Tract of land conveyed to Continental Homes of Texas by deed recorded in Document No. 2006037363 of the Official Public Records of Travis County, Texas;

THENCE departing the said East Line of Dessau Road, across the said 160.0 Acre Tract and along the South Line of the said 3.15 Acre Tract the following two courses:

1. $S.60^{\circ}02'04''E.$ a distance of 460.53 feet to a 1/2" iron rod set at a point of curvature of a curve to the left;
2. Easterly, along the arc of said curve to the left a distance of 72.39 feet, (said curve having a radius of 94.13 feet, a central angle of $44^{\circ}03'37''$, and a chord bearing $S.82^{\circ}03'53''E.$, 70.62 feet) to a 1/2" iron rod set at the Southeast Corner of the 3.15 Acre Tract and the Northerly Southwest Corner of that 11.11 Acre Tract of land conveyed to Continental Homes of Texas by deed recorded in Document No. 2007176864 of the Official Public Records of Travis County, Texas;

THENCE along the Southerly Line of the said 11.11 Acre Tract the following 12 courses:

1. $N.81^{\circ}04'10''E.$ a distance of 303.94 feet to a 1/2" iron rod set at a point of curvature of a curve to the left;
2. Northeasterly, along the arc of said curve to the left a distance of 39.40 feet, (said curve having a radius of 25.00 feet, a central angle of $90^{\circ}17'24''$, and a chord bearing $N.35^{\circ}55'28''E.$, 35.44 feet);
3. $N.09^{\circ}13'14''W.$ a distance of 12.91 feet;
4. $N.80^{\circ}46'46''E.$, at a distance of 48.00 feet pass a 1/2" iron rod set, in all a total distance of 347.59 feet to a 1/2" iron rod set at a point of curvature of a curve to the right;

29.33 acres

5. Easterly, along the arc of said curve to the right a distance of 33.94 feet, (said curve having a radius of 142.00 feet, a central angle of $13^{\circ}41'34''$, and a chord bearing $N.87^{\circ}37'33''E.$, 33.86 feet) to a 1/2" iron rod set;
6. $S.85^{\circ}31'40''E.$ a distance of 341.27 feet to a 1/2" iron rod set;
7. $S.09^{\circ}12'52''E.$ a distance of 705.21 feet to a 1/2" iron rod set;
8. $S.80^{\circ}47'08''W.$ a distance of 293.08 feet to a 1/2" iron rod set;
9. $S.09^{\circ}12'52''E.$ a distance of 229.17 feet to a 1/2" iron rod set at a point of curvature of a curve to the right;
10. Southwesterly, along the arc of said curve to the right a distance of 88.84 feet, (said curve having a radius of 60.00 feet, a central angle of $84^{\circ}50'02''$, and a chord bearing $S.33^{\circ}12'08''W.$, 80.94 feet) to a 1/2" iron rod set at a point of reverse curvature of a curve to the left ;
11. Southwesterly, along the arc of said curve a distance of 19.68 feet, (said curve having a radius of 25.00 feet, a central angle of $45^{\circ}05'57''$, and a chord bearing $S.53^{\circ}04'11''W.$, 19.17 feet) to a 1/2" iron rod set;
12. $S.30^{\circ}31'12''W.$ a distance of 115.54 feet to a 1/2" iron rod set in the South Line of the said 160.0 Acre Tract and the North Line of the plat of Bobby R. Wagner Addition, according to the plat thereof recorded in Plat Book 84, Page 3D, of the Plat Records of Travis County, Texas;

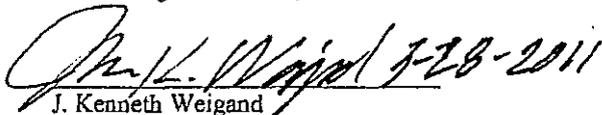
THENCE $N.60^{\circ}17'51''W.$, along the South Line of the 160.0 Acre Tract and the North Line of said Bobby R. Wagner Addition, a distance of 9.75 feet to a 1/2" iron rod found at the Northwest Corner of the said Bobby R. Wagner Addition and the Northeast Corner and end of Brown Lane, a right of way 50 feet wide;

THENCE $N.59^{\circ}59'23''W.$, along the North Line of the end of Brown Lane, a distance of 50.51 feet to a 1/4" iron rod found at the Northwest Corner of the end of Brown Lane and the Northeast Corner of Lot 1, Jackson-Davis Addition, according to the plat thereof recorded in Plat Book 50, Page 58 of the Plat Records of Travis County, Texas;

THENCE $N.60^{\circ}03'48''W.$, along the North Line of Lot 1 and Lot 2 of said Jackson-Davis Addition, a distance of 515.03 feet to a 1/2" iron rod found at the Northwest Corner of said Jackson-Davis Addition and the Northeast Corner of that 13.644 Acre Tract conveyed to John D. Byram by deed recorded in Volume 10772, Page 1898 of the Real Property Records of Travis County, Texas;

THENCE $N.59^{\circ}44'57''W.$, along the North Line of the said 13.644 Acre Tract and continuing along the North Line of the said Robert Rose 3.203 Acre Tract, a distance of 1144.17 feet to the said Point of Beginning.

Containing 29.33 acres, more or less.



J. Kenneth Weigand
Registered Professional Land Surveyor No. 5741
State of Texas



RJ Surveying, Inc.
1212 East Braker Lane
Austin, Texas 78753

Exhibit C

own Lane

